IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4278 of 2006()

CRA.210/2003 of ADDL. SESSIONS COURT (FAST TRACK)-II, ALAPPUZHA
CC.578/2000 of JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI

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REVN. PETITIONER:APPELLANT/ACCUSED:

DILEEP KUMAR
S/O. RAVINDRAN NAIR, KAKKANTHARA VEEDU
NEELAMPEROOR VILLAGE, ALAPPUZHA DISTRICT.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:COMPLAINANT & DEFACTO COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

2. MANOJ KUMAR
   S/O. K.OMANAKUTTAN, KAKKANATHARA
   KUMARANKIRI POST
   VALADY, ALLEPPEY DISTRICT

BY ADV. SRI.BINO BABU.R.
BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No. 4278 of 2006

Dated this the 1st day of December, 2006

ORDER

The petitioner was found guilty for the offence punishable under Section 324 and 447 of the Indian Penal Code and was sentenced to undergo simple imprisonment for a period of six months for the offence under Section 324 and simple imprisonment for a period of three months for the offence under Section 447 IPC. The petitioner challenged the sentence and conviction in appeal. The appellate court dismissed the appeal and confirmed the conviction and sentence. Application was filed by the revision petitioner/accused and the defacto complainant who was examined as PW5, under Section 320(6) of the Code of Criminal Procedure. It is stated that the dispute between them have been settled amicably and that the defacto complainant does not wish to prosecute the matter further. The application for compounding was allowed.

Accordingly, the Crl.R.P. is allowed. The conviction and sentence imposed against the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 12362 of 2006
in
Crl. R.P. No. 4278 of 2006

Dated this the 1st day of December, 2006

ORDER

This is an application under Section 320(6) of the Code of Criminal Procedure seeking leave of the court to compound the offence. The petitioner/accused was found guilty for the offence punishable under Section 447 and 324 IPC. PW5 is the injured person who was the defacto complainant. The application is signed by the revision petitioner/accused as well as the defacto complainant. It is stated that all the disputes between the parties have been settled and the defacto complainant does not wish to further prosecute the matter. In the facts and circumstances of the case, leave is granted and application for compounding is allowed.

K.T.SANKARAN,
JUDGE

csl